

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

3572

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/579924**

INTERNATIONAL APPLICATION NO.

PCT/EP 2005/006972

INTERNATIONAL FILING DATE

06/29/2005

PRIORITY DATE CLAIMED

11/12/2004

TITLE OF INVENTION

DEVICE FOR ADJUSTING THE LENGTH OF MIDDLE EAR IMPLANTS

APPLICANT(S) FOR DO/EO/US

Heinz KURZ, Uwe STEINHARDT

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 261933942 US**
23. ☐ Other items or information:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |  |            |                          |            |
|--|--------------|--|------------|--------------------------|------------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)   |              | INTERNATIONAL APPLICATION NO.  |            | ATTORNEY'S DOCKET NUMBER |            |
| 10/579924  |              | PCT/EP 2005/006972   |            | 3572                     |            |
| The following fees are submitted:  |              |  |            | CALCULATIONS             | PTO USE    |
| 24. <input checked="" type="checkbox"/> Basic national fee   |              |  |            | \$300                    | \$         |
| 25. <input checked="" type="checkbox"/> Examination fee  |              |  |            |                          |            |
| If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).  |              |  |            | \$100                    | \$         |
| All other situations.  |              |  |            | \$200                    |            |
| 26. <input checked="" type="checkbox"/> Search fee   |              |  |            |                          |            |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority  |              |  |            | \$100                    |            |
| International Search Report prepared and provided to the Office  |              |  |            | \$400                    |            |
| All other situations.  |              |  |            | \$500                    | \$         |
| TOTAL OF 24, 25 and 26 =   |              |  |            | \$                       | \$1,000.00 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |  |            |                          |            |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) |            | RATE                     |            |
| - 100 =  | 0            | /50 = 0  |            | x \$250.00               | \$         |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |            | \$                       |            |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE       |                          |            |
| Total claims   | 38 - 20 =    | 18   | x \$50.00  | \$                       | \$900.00   |
| Independent claims   | 3 - 3 =      | 0  | x \$200.00 | \$                       | \$0.00     |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00  |              |  |            | \$                       | \$0.00     |
| TOTAL OF ABOVE CALCULATIONS =  |              |  |            | \$                       | \$1,900.00 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |            | \$                       | \$950.00   |
| SUBTOTAL =   |              |  |            | \$                       | \$950.00   |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |            | \$                       | \$0.00     |
| TOTAL NATIONAL FEE =   |              |  |            | \$                       | \$950.00   |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +  |              |  |            | \$                       | \$40.00    |
| TOTAL FEES ENCLOSED =  |              |  |            | \$                       | \$990.00   |
|  |              |  |            | Amount to be             | \$         |
|  |              |  |            | Amount to be             | \$         |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 194675 in the amount of \$990.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 194675. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> |              |  |            |                          |            |
| <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>STRIKER, STRIKER &amp; STENBY<br/>103 EAST NECK ROAD<br/>HUNTINGTON, NY 11743</p>  |              |  |            |                          |            |
|  |              |  |            | SIGNATURE                |            |
|  |              |  |            | MICHAEL J. STRIKER       |            |
|  |              |  |            | NAME                     |            |
|  |              |  |            | 27233                    |            |
|  |              |  |            | REGISTRATION NUMBER      |            |